

**JUDGE SULLIVAN**

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 - - - - -  
 UNITED STATES OF AMERICA

USDC SDNY	DOCUMENT
ELECTRONICALLY FILED	
DOC #:	DEC 16 2010
DATE FILED:	x

- v. -

: INDICTMENT

VITALY BORKER,  
 a/k/a "Tony Russo,"  
 a/k/a "Stanley Bolds,"

Defendant.

:

x

COUNT ONE  
 (Cyberstalking)

The Grand Jury charges:

1. From at least in or about January 2007, up to and including in or about December 2010, in the Southern District of New York and elsewhere, VITALY BORKER, a/k/a "Tony Russo," a/k/a "Stanley Bolds," the defendant, unlawfully, willfully, and knowingly, with the intent to kill, injure, harass, and place under surveillance with intent to kill, injure, harass, and intimidate, and to cause substantial emotional distress to a person in another State and tribal jurisdiction and within the special maritime and territorial jurisdiction of the United States, and to place that person in reasonable fear of the death of, and serious bodily injury to that person, a member of that person's immediate family, and a spouse and intimate partner of that person, used the mail, interactive computer services, and facilities of interstate and foreign commerce to engage in a course of conduct that caused substantial emotional distress to that person and placed that person in reasonable fear of the

death of, or serious bodily injury to, any of the persons described above, to wit, BORKER communicated with, and threatened, numerous customers of his retail luxury eyewear website, "DecorMyEyes.com," via email and telephone in interstate and foreign commerce, in order to harass, intimidate, and injure such victims, and to cause such victims substantial emotional distress.

(Title 18, United States Code, Sections 2261A(2) and 2.)

COUNT TWO  
(Threatening Interstate Communications)

The Grand Jury further charges:

2. From at least in or about January 2007, up to and including in or about December 2010, in the Southern District of New York and elsewhere, VITALY BORKER, a/k/a "Tony Russo," a/k/a "Stanley Bolds," the defendant, unlawfully, willfully, and knowingly transmitted, in interstate and foreign commerce, communications containing threats to injure the person of another, to wit, BORKER communicated with, and threatened, numerous customers of his retail luxury eyewear website, "DecorMyEyes.com," via email and telephone in interstate and foreign commerce, in order to harass, intimidate, and injure such victims, and to cause such victims substantial emotional distress.

(Title 18, United States Code, Sections 875(2) and 2.)

COUNT THREE  
(Mail Fraud)

The Grand Jury further charges:

3. From at least in or about January 2007, up to and including in or about December 2010, in the Southern District of New York and elsewhere, VITALY BORKER, a/k/a "Tony Russo," a/k/a "Stanley Boldz," the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting to do so, placed in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service, and deposited and caused to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and took and received therefrom such matters and things, and knowingly caused such matters and things to be delivered by mail and by such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, to wit, BORKER engaged in a scheme to defraud customers of his retail luxury eyewear website, "DecorMyEyes.com," by, among other things, misrepresenting the authenticity and/or condition of merchandise he sold and mailed to such customers, and at times making

unauthorized charges to customers' accounts and/or retaining their paid merchandise.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT FOUR  
(Wire Fraud)

The Grand Jury further charges:

4. From at least in or about January 2007, up to and including in or about December 2010, in the Southern District of New York and elsewhere, VITALY BORKER, a/k/a "Tony Russo," a/k/a "Stanley Bolds," the defendant, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, through electronic and telephonic communications, BORKER engaged in a scheme to defraud customers of his retail luxury eyewear website, "DecorMyEyes.com," by, among other things, misrepresenting the authenticity and/or condition of merchandise he sold and mailed to such customers, and at times making unauthorized charges to customers' accounts and/or retaining their paid merchandise.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

5. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 875, 1341 and 1343 set forth in Counts Two, Three and Four of this Indictment, VITALY BORKER, a/k/a "Tony Russo," a/k/a "Stanley Boldz," the defendant, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

6. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as

incorporated by Title 28, United States Code, Section 2461(c).  
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)).



FOREPERSON



PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

VITALY BORKER,  
a/k/a "Tony Russo,"  
a/k/a "Stanley Bolds,"

Defendant.

INDICTMENT

10 Cr.

(Title 18, United States Code, Section 2261A(2), 875(c), 1341,  
1343, 2).

PREET BHARARA  
United States Attorney.

A TRUE BILL



Foreperson.

12-16-10

WD

Filed Indictment. Case assigned to J. Sullivan

Hatz  
J.S.M.J